



Implementation of the recommendations from the Independent Inquiry into Child Sexual Abuse (IICSA) – briefing from the Association of Personal Injury Lawyers (APIL) – September 2023

Support for survivors of abuse

The Independent Inquiry into Child Sexual Abuse (IICSA) published its final report in October 2022. The report included vital recommendations which, if implemented, will support survivors of abuse in their search for justice, and help hold accountable those responsible for the abuse. The Government published its response to the inquiry in May 2023, but recommendations to support survivors have not yet been implemented.

No time limit for justice

A recommendation from IICSA will ensure that survivors of child sexual abuse will not be denied compensation just because they did not speak out early enough about the abuse they had suffered.

Under the current law in England and Wales, there is a limitation period which requires survivors of abuse to bring a claim for compensation within three years of the abuse, or within three years of turning 18 if they were abused as a child. IICSA has recommended that this time limit be removed for survivors of child sexual abuse.

It is not always easy for survivors to bring a claim within three years. Trauma, shame, mistrust in authorities, and fear are some of the very valid reasons why people hold back from speaking out about what happened to them, let alone take the step to seek justice.

Some survivors do not even know that they are able to compensation until much later in life. One survivor has told us that she was 24-years-old before she knew she could claim compensation for what happened to her as a child. She was nearly 50-years-old when she felt ready to make a legal claim.

In its response to the final report from the inquiry, published in May 2023, the Government said it 'will consult on strengthening existing judicial guidance in child sexual abuse cases and set out options to reform limitation law in child sexual abuse cases'¹. This is completely unnecessary.

There are many jurisdictions around the world which have already supported survivors by scrapping the time limit. This includes Scotland, when in 2017 the Scottish Parliament passed the Limitation (Childhood Abuse) (Scotland) Act. These countries recognised that abuse survivors are a unique category of injured people, and will bring their claims late for the valid reasons already referred to in this briefing.

The abolition of the limitation period for these claims in England and Wales would not be a radical decision, but it would be the common-sense decision. It would ensure that when survivors do find the courage to speak out, they will have the reassurance that their claim will not be rejected just because the abuse happened years or even decades earlier.

A valuable alternative avenue for justice

Not all survivors of child sexual abuse will want to pursue a claim through the courts, especially if they find the litigation process traumatic. IICSA's recommendation for a redress scheme could offer a valuable alternative for those survivors, but the details of the redress scheme will be key to its success.

In its response to the inquiry's final report, the Government said it accepts the need for a redress scheme². It must now, therefore, launch a meaningful and comprehensive consultation on the details of the scheme, and truly listen to survivors of abuse and their representatives.

There are a lot of details of the scheme which will need to be considered as part of that consultation. This includes how the scheme is funded. Survivors of abuse must receive the appropriate level of compensation from a redress scheme, but that could be impossible without a compulsory contribution from the insurance industry.

¹ Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse, page 35

² Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse, page 44

IICSA has recommended that the scheme is funded by the taxpayer, with the insurance industry asked only to make a voluntary contribution. A redress scheme funded by the public purse will have huge pressures on it to keep damages low, especially in these tough economic times. It is also wrong in principle that it should be left to the taxpayer to pick up the full cost of the scheme. Many of the defendants in these cases will have taken out insurance for exactly these types of claims, with insurance companies collecting premiums to pay compensation. A redress scheme should, therefore, be at least partly funded by the insurance industry by way of a compulsory contribution.

About APIL

Members of the Association of Personal Injury Lawyers (APIL) a not-for-profit campaign group, have experience and expertise in supporting survivors of child sexual abuse, and one of our directors gave evidence to the inquiry on APIL's behalf. APIL's vision is of a society without needless injury but, when people are injured, a society which offers the justice they need to rebuild their lives.

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